

Exhibit A.2

Prosecutor Explanation

_____, 2025

Cheri Bruinsma
Executive Director
Prosecuting Attorneys Coordinating Council
116 W Ottawa Street, Ste 200
Lansing, Michigan 48933

Re: *Does v Whitmer* (No. 22-cv-10209, ED Mich) Notice to Prosecutors

Dear Ms. Bruinsma:

On March 26, 2025, the federal district court in the *Does v Whitmer* case issued a final judgment regarding constitutional challenges to the 2021 version of the Michigan Sex Offenders Registration Act (SORA). On April 22, 2025, the court amended this judgment. (Ex A, Amended Final Judgment.) The amended final judgement binds Defendants' officers, agents, servants, employees, and attorneys, and those in active concert or participation with them, as provided for in Federal Rule of Civil Procedure 65(d)(2).

The federal district court approved the content of this letter and the registrant notice.

The judgment requires the Defendants, Colonel Grady and Governor Whitmer, to provide notice of the judgment to the county prosecutors. The court further ordered the Defendants to provide you with a copy of the registrant notice, the amended final judgment, and the court's opinions from September 27, 2024 and March 26, 2025. (Ex B, Registrant Notice; Ex C, Sept 27, 2024 Opinion; Ex D, March 26, 2025 Opinion.) We request that you provide these materials to the Michigan elected county prosecutors for distribution for their offices.

The amended final judgment may be digested into six major parts:

- (1) enjoining application of the 2021 SORA to registrants who committed their registerable offenses prior to July 1, 2011;
- (2) enjoining the application of the 2021 SORA to registrants who were convicted in a jurisdiction other than Michigan (e.g., a federal conviction or a conviction from a court in another state);
- (3) ruling that certain reporting requirements are vague;
- (4) ruling that requiring registrants to report electronic mail addresses and internet identifiers violates the First Amendment;

Cheri Bruinsma
Executive Director of PACC
Page 3

(5) ruling that individuals convicted of an offense without a sexual element – including convictions under MCL 750.349, 750.349b, or 750.350, or a substantially similar conviction in another jurisdiction – must be afforded a judicial determination under MCL 769.1(12) that their offense by its nature constitutes a sexual offense before being required to register; and

(6) ruling that requiring registrants to attest to their understanding of SORA on the Explanation of Duties violates the First Amendment.

The injunctions corresponding to these rulings will take effect **on July 21, 2025**. Most questions about what the judgment means and how it should be interpreted can be answered by looking at the judgment itself and the related opinions. The notice to registrants is particularly helpful.

{Insert alternative language if there has been legislative reform or if any part of the judgment is stayed.}

Sincerely,

s/ B. Eric Restuccia

B. Eric Restuccia

Deputy Solicitor General of Michigan

restucciae@michigan.gov

Attorney for the Governor and the Colonel

P.O. Box 30212

Lansing, Michigan 48909

(517) 335-7656

Enclosures:

Exhibit A: Amended Final Judgment

Exhibit B: Registrant Notice

Exhibit C: Sept 27, 2024 Opinion

Exhibit D: March 26, 2025 Opinion